

HOUSE BILL 3200
By Odom

AN ACT to amend Tennessee Code Annotated, Title 68, relative to the care of elderly persons.

WHEREAS, it is a priority of the general assembly that the elderly citizens of Tennessee have decent, safe, comfortable, and affordable care and housing, and that they be given the opportunity to remain independent and self-sufficient to the maximum amount practicable;

WHEREAS, this priority specifically includes the care and housing of individuals with dementia problems;

WHEREAS, in 1996, the general assembly overwhelmingly passed legislation (Chapter 818 of the Public Acts of 1996) aimed at furthering this priority, which established the mechanism for the licensing of assisted-care living facilities;

WHEREAS, no such facilities have been licensed under said law, nor have final regulations relating to such licensing been implemented;

WHEREAS, it is the will of the general assembly that such licensing be accomplished as speedily as is practicable, and that such facilities be authorized and encouraged to provide adequate care to elderly residents, including residents with dementia problems which are not in their latter stages; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-201(4)(B)(iii), is amended by changing the semicolon (";") after the word "risk" to a period ("."), and by inserting immediately thereafter the words and punctuation:

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Facilities housing residents with conditions other than those set forth in Section 68-11-201(5)(A)(i) may operate a special care unit for such residents. For purposes of this section, a special care unit means a secured environment that may include self-locking egress doors that are linked to the facility's fire alarm system so that such doors automatically unlock in the event of an emergency.

SECTION 2. Tennessee Code Annotated, Section 68-11-201, is amended by adding the following definitions:

() "Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms.

() "Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to an individual's body that the individual cannot remove easily which restricts freedom of movement or normal access to one's body. The utilization of self-locking egress doors shall not be considered as a physical restraint.

SECTION 3. Tennessee Code Annotated, Section 68-11-202(a), is amended by adding the following new subdivision:

(3) Any institution or facility that is licensed as a home for the aged or that satisfies the licensure requirements for a home for the aged shall, upon application by such institution or facility, immediately be licensed as an assisted-care living facility when such institution or facility has satisfied the requirements set forth in Section 68-11-201(4). The absence of final regulations for assisted-care living facilities, prescribed by the board pursuant to Section 68-11-209, shall not preclude such immediate licensure.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.